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## House Appropriations Subcommittee on Interior and Environment Holds Hearing on Fiscal 2020 Budget Request for the EPA

### LIST OF PANEL MEMBERS AND WITNESSES

MCCOLLUM:

Good morning. This hearing will come to order. Today the Interior Environment Subcommittee continues with a series of budget hearings for Fiscal Year 2020.

This morning we will hear about the president's budget request for the Environmental Protection Agency. Joining us this morning is Administrator Andrew Wheeler, and with him today, is EPA Chief Financial Officer Holly Greaves. Ms. Greaves who was with us last year when EPA presented its budget request for 2019. Mr. Wheeler, I believe this is your first appearance in the House. And your first before Congress since assuming your new role after being confirmed by the Senate a little over a month ago. Is that right?

Well, congratulations. We are very happy to have you here. And welcome to you both.

The Environmental Protection Agency has an essential mission. The dedicated employees at the EPA work every day to protect human health and the health of our environment. They are defenders of our clean water and clean air. They protect Americans from exposure to toxic chemicals. Sadly, the president's budget for Fiscal Year 2020 completely fails to support the EPA's mission. President Trump's request for \$6.1 billion for the EPA, which is \$2.8 billion below FY 2019

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enacted level of \$8.9 billion. The request is a cut, in simple terms, of more than 30 percent below the 2019 enacted level. This the largest proposed cut to any cabinet level agency in the government. This budget proposes to cut the EPA's research by 34 percent. It cuts the state water revolving funds, which finance clean water and drinking infrastructure by a combined 30 percent. It eliminates funding for programs that prevents exposure to toxic substances like lead paint and radon. It cuts \$30 million for programs that remove lead from drinking water at schools and homes.

It would eliminate funding for most of the regional water shed activities including Long Island Sound, Puget Sound. And the budget proposes a 90 percent cut for the Chesapeake Bay Restoration and the Great Lakes Initiative. However, the president recently flip flopped on his plans to cut the Great Lakes funding. He did get a big round of applause at a Michigan rally. But that still doesn't change the fact that the EPA, for three years in a row, President Trump has proposed to slash the funds for the Great Lakes. And Congress, frankly, has just ignored that and fully funded the program. So, Mr. Wheeler I am not sure if he's told you if he wants you to cut something else now instead of the Great Lakes. But I hope that it won't be any further cuts to the Environmental Justice Work, which is already reduced 60 percent in this budget.

EPA programs from Indian country don't fare any better. Overall, there's a 28 percent cut to programs serving tribes for clean water infrastructure. The handling of hazardous waste, monitoring, and protecting air quality. The administration talks about cooperative federalism. But, the budget request once again, proposes to cut categorical grants by 46 percent. States and tribes rely on these funds to help operate their delegated air, water, and waste responsibilities. This budget tells the states and the tribes to just go find a way, go fund themselves to do their important work. But, unfortunately, for the last two years, we've had this in front

CQ

of us. So, Congress has decided again and again to reject these disastrous proposed cuts by the EPA, on a bipartisan basis. And I imagine that's what we will do again.

But rather than spending our time today focused on the unrealistic budget request, I plan to examine what the EPA's been doing with the money have already appropriated. Frankly, a lot of the EPA's actions don't make sense or worse, they appear to fly in the face of congressional directives. EPA's understaffing, misguided priorities indicate the agency is failing to deliver the basic protections for human health, the environment that the American people expect. For example, instead of safeguarding our families from the threats posed by toxic chemicals, EPA leadership has tried to bury, delay, undermine or ignore the work of its scientists for chemicals like methylene chloride, formaldehyde, or chloro phosphorus. Despite level funding for the past several years, we have seen a sharp drop off in enforcement activity agency. This appears to be the result of an exodus of enforcement personnel who's positions haven't been filled. Combined with a new series of bureaucratic hoops that enforcement agencies must jump through.

And finally, climate change. When it comes to pollution from cars, instead of working with the states and the American car companies to come up with a win-win on fuel economy and greenhouse gas emission standards, the administration has pursued a path that even the auto industry here at home, opposes. When it comes to emissions of hydrofluorocarbons, some of the most potent greenhouse gases out there, senior EPA officials are opposed to the president submitting Kigali Amendment to the Montreal protocol for Senate ratification. This amendment who phase out an older class of refrigerants with a new class of less harmful ones. The ratification is not just supported by the environmental community, it's also supported by the National Association Manufacturers,

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American Chemistry Council, and the U.S. Chamber of Commerce. Apparently, the only people who think that these EPA policies aren't good ideas, are people in the administration. And I believe, the American people deserve better than this. The EPA's mission is to protect public health and not protect the bottom line.

The subcommittee will be doing its part to make sure that the EPA lives up to its mission. And so at this time I would like to yield to our Ranking Member, Mr. Joyce for his opening remarks.

JOYCE:

Thank you, for yielding madam chair. Welcome to your first hearing before this subcommittee, Administrator Wheeler and congratulations on your confirmation as the 15th administrator of the Environmental Protection Agency. Thank you, and your Chief Financial Officer, Holly Greaves, for being here to discuss the administrations Fiscal 2020 EPA budget proposal. It's great to have a fellow buckeye join us.

Mr. Wheeler I applaud your work as acting administrator and now as administrator. You have identified agency efficiencies, advanced common sense reforms, and reduced regulatory burdens to spur economic growth. You simultaneously, prioritized EPA's core mission to protect the public health and the environment. In 2018, you led EPA's efforts to clean up more than two dozen superfund sites and removed them from the national priority list. Reduced greenhouse gas emissions from major industrial sources and made strides to address the nations enormous water infrastructure backlog by completing construction loans totaling more than \$2 billion. We look forward to working with you to continue advancing such reforms, remaining good stewards of our environmental resources.

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We must also ensure that the federal government, along with our state and tribal partners, has enough resources in place to continue protecting and preserving our natural resources. The Fiscal Year 2020 budget proposal for the EPA is \$6.07 billion, which is \$2 billion or 25 percent below the base Fiscal Year 2019 enacted level. As such, its disproportionately deeper cut than the 9 percent in non-defense discretionary cut mandated under the current law. In places many of my colleagues generally agree, but with the deeper cuts were necessary to continue to scale back federal governments regulatory overreach. But I suspect I am joined by many colleagues on both sides of the aisle in disagreeing with proposed cuts to partnerships and programs that help states and tribes meet federal mandates.

Since coming to Congress on behalf of Ohio's 14th District, I have never been shy about my strong support for the Great Lakes. The Great Lakes are an invaluable natural resource, a true national treasure, and an economic powerhouse. So, it remains of utmost importance to preserve and protect them from future generations. The Great Lakes directly support over 1.5 million jobs, holds 90 percent of our nation's fresh water, and generates \$62 billion in annual wages. That is why the Great Lakes Restoration Initiative is so essential to address the most persistent and challenging issue like endangered species, toxic substances, and non-point source pollution that threaten those resources. However, the administration's request for the Great Lakes Restoration Initiative, a \$270 million or 90 percent reduction from Fiscal Year 2019 enacted level, falls short of the necessary funding level to achieve those ends. Consistent with years past, you can be assured that I will work tirelessly with Chairwoman McCollum to provide full GLRI funding. I also look forward to you clarifying the administration's desire funding level for the Fiscal Year 2020 in light of the president's supportive remarks just last week.

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In addition to the GLRI, the budget proposes reducing or terminating all other geographic programs, popular rural water technical assistance grants, the national estuary program, infrastructure assistance to Alaska native villages, and a number of other important programs.

Similarly, the proposed 30 percent reduction in the EPA's research funding, poses an issue. EPA's research plays decisive role in which in studying PFAS and other potentially drinking water contaminants, harmful algal blooms, and other public health research initiatives. Despite these concerns, I was pleased to see that the administration continues to prioritize water quality infrastructure, because these remain of the utmost concern to my constituents and me. The request provides nearly \$2 billion for the clean water and drinking water state revolving funds. \$83 million for new grant programs authorized under the America's Water Infrastructure Act and \$25 million for the WIFA Program. Given the leveraging capacity of the WIFA program the revolving nature of the SRFs, the request could spur billions of dollars in water infrastructure investments and create construction jobs in every state. The request also includes more than a billion dollars for the superfund program, to accelerate the pace of cleanups and return sites to beneficial use and economic development. This includes \$472 million specifically for the remedial program to tackle a 13,000 plus sites on the superfund national priorities list.

Lastly, I look forward to hearing about the agencies PFAS action plan, ongoing work to update the lead and copper rule and proposed \$50 million healthy schools grant program to address potential gaps in school environment health. And Administrator Wheeler, than you for being here. I look forward to your testimony and thoughtful discussion ahead of us.

I yield back.

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MCCOLLUM:

Thank you very much, Mr. Joyce. With that, I turn the full chair of the appropriation committee, Ms. Lowey for an opening remark you would like to make now.

LOWEY:

Thank you, Chair McCollum, Ranking Member Joyce, for holding this hearing. And welcome Administrator Wheeler.

I am having deja vu as I look at another Trump budget request that would drastically slash the EPA. And in this case, more than 30 percent. Despite Congress's repeated rejections of the Trump budget cuts, you again, propose to eliminate programs that are important to our environment and in the wrong direction. I just don't get it. Why is the Trump administration steering our country in the wrong direction? And you are part of that effort.

Climate change is a threat to the nation. We must act now to avoid its most severe impacts. And yet, the Trump administration is steering us in the wrong direction. Even though the EPA's budget justification claims to prioritize funding for initiatives to improve our air quality, it proposes to cut the Office of Air and Radiation by 45 percent. And to eliminate 27 percent of the office's staff. It's pretty obvious that these cuts will result in dirty air and weakened public health. The justification claims to prioritize chemical safety but proposes eliminate programs that evaluate the risk of endocrine disrupters, the pollution prevention program, the beach protection program, which protect American from pollutants in the air we breathe and in recreational waters. Your budget also falls short in the EPA's mission to ensure safe and clean water. You propose drastic cuts to Water

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Infrastructure Finance and Innovation Act investments, the state revolving funds, research on safe and sustainable water resources.

I am especially disappointed that EPA has decided to delay rulemaking to protect Americans from toxic chemicals like methylene chloride. It also continues to suppress its own science about the risk of chemicals like formaldehyde, pesticides, and more. I am equally dismayed that your agency would endanger public health and safety by prioritizing the interests of big polluters when evaluating superfund cleanup sites, like the Hudson River, PCB contamination. These cuts send a clear message about the agency's priorities to put polluter interest above public health. We have grown to expect this from the Trump administration, sadly, over the last two years. Instead of pursuing climate and clean air solutions to protect the planet and the economy, your agency is pursuing an agenda that is so extreme and, in many cases, even industry is not asking for it. Frankly, as you can see this budget is a disappointment.

I am also sorry for you that you have to sit here and defend this budget. This is the first smile I have seen, so maybe you're going to change your mind in your presentation. But, frankly, I think it's an embarrassment for you to be there and defend this budget. And the American people deserve better.

Thank you, madam chair.

MCCOLLUM:

Thank you, Ms. Lowey. Well, Mr. Wheeler the time is yours. Your full remarks will be entered into the record along with any material (INAUDIBLE) you wish to submit in supporting that. Once again, welcome. Mr. Wheeler, the floor is yours.



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WHEELER:

I thought the green light meant it was on, sorry.

Good morning, Chairman McCollum, Ranking Member Joyce and members of the subcommittee, and the full committee chair. I am joined today by Holly Greaves, EPA's CFO. And we are today to discuss EPA's 2020 budget.

Budget request ensures that the agency can continue President Trump's old agenda and the tremendous progress we have made over the past two years. The U.S. is a global leader in clean air and access to safe drinking water, and we are cleaning up contaminated lands at the fastest pace in over a decade. At the same time, EPA has finalized 38 deregulatory actions, saving Americans more than \$3 billion in regulatory costs. We have an additional 39 actions in development projected to save billions more. The Trump administration is proving the environmental protection and historic economic growth can go hand in hand. My testimony will highlight how the president's budget will continue this progress.

I believe that water issues, from drinking water to marine liter, to infrastructure are the largest and most immediate environmental issue affecting the world right. The budget request provides critical support for water quality protection. One challenge we face, is lead exposure. Through the new federal lead action plan, EPA is coordinating with our federal counterparts to reduce childhood lead exposure. Yesterday, we issued a status report to hold ourselves accountable to the public and clearly communicate the steps we are taking to implement the action plan. To bolster these efforts, the budget proposes \$50 million to establish a new healthy school grant program to reduce exposure to lead or other toxics found in schools. We're also moving forward to update the lead and copper rule, for the first time in over two decades. Our proposal will ensure that we address the most corrosive pipes in the most at-risk communities first.

Another challenge is addressing potential sources of contamination. In February released its PFAS action plan, the most comprehensive, multimedia, research, and action plan ever issued by the agency to address emerging chemical of concern. On the marine litter issue, billions of pounds of waste enter our oceans each year, harm marine life and coastal economies. EPA's trash free waters program is stepping up to help the international community capture marine litter that will prevent it from reaching the oceans. On infrastructure, the president's budget includes a 25 percent increase in WIFA from last year's request. This new program is already producing tremendous results. To date, EPA has issued eight WIFA loans, totaling more than \$2 billion in federal credit assistance. Last week, we announced our third round of funding, which could support \$12 billion in water infrastructure projects and create more than 180,000 jobs.

To expand on these efforts, President Trump signed America's Water Infrastructure Act, AWIA. While funding for AWIA was not included in the Fiscal 2019 appropriations Congress enacted, EPA proposed funding \$83 million in the budget request to begin implementation of this new law. The budget request also includes approximately \$2 billion in federal dollars to the two SRFs. The combination of federal grants, state matches, repayments, and interest all flow back into each revolving fund, creating \$80 billion in the nationwide fund well beyond the annual federal SRF investments. Regarding the Great Lakes Restoration Initiative, as the president stated, this is a unique and important program and I fully support his decision as it relates to funding this program.

When it comes to reducing air pollution, we're moving forward with common sense reforms that would help more communities reach attainment of the NAAQS standards. For example, we are set to announce this week, that the Cleveland area is now meeting the standards for particulate matter. The cleanup of contaminated lands also plays a crucial role in revitalizing communities throughout the country.

In Fiscal Year 2018, the EPA deleted all or part of 22 sites from the national priorities list. The largest number of deletions in one year since Fiscal Year 2005. Our next responsibility is ensuring the chemicals used in commerce and sold in the marketplace are safe for public use. I am proud to report that EPA continues to meet the major statutory deadlines of the amended TSCA. Earlier this month, we finalized a ban on the retail sales of methylene chloride for consumer paint and coating removal. The first risk management action under section six of the amended TSCA.

To ensure our efforts are effective and durable, the EPA has a healthy and robust enforcement program. At one end of the spectrum, we are increasing compliance through self-audits, which are often the quickest way to correct environmental harms. At the other end of the spectrum, we are deterring noncompliance by increasing the number of new criminal cases, reversing a downward trend that began in 2011. We want the public to know that when they encounter environmental threats, we will address them head on. We want the world to know that when they encounter environmental threats, we are ready to help. This is the type of leadership that gives confidence to the public, the regulate community, and our allies around the globe.

Thank you for the opportunity to speak with you today. And I look forward to answering your questions.

MCCOLLUM:

I am going to yield at this time for the full committee chair to ask her question. And Mr. Wheeler, as you know, that there many other appropriations subcommittee hearings taking place at the same time. So, people will be coming and going. No disrespect is meant at all.

WHEELER:

I'll stay here the whole time.

(LAUGHTER)

MCCOLLUM:

You, me, and Mr. Joyce. I think the three of us will be here the whole time.

Ms. Lowey?

LOWEY:

Thank you, madam chair. And I do apologize, but its one of those mornings, and I appreciate the opportunity to spend a few minutes with you.

New York, as you know, is among 14 states that adopted California's vehicle emission standards. Unfortunately, the administration proposed to preempt state car rules and freeze emission standards. To say that I am concerned about this short-sighted action, is an understatement. And reports indicate that EPA staff felt their technical input was ignored during the drafting of the administrations proposed rule. Further, staff analysis shows the Department of Transportation's modeling was fundamentally flawed. Those flaws were not remedied before the draft rule was published. As EPA was intended to be an equal partner in writing the rule, did DOT fully incorporate EPA's expert technical analysis and data in the final proposal? And if so, will its technical analysis and expertise be captured in the final rule?

WHEELER:

Thank you, chair for the question.

The proposal we actually put out a couple of weeks after I became the acting Administrator. One of the things that I did before I signed the proposed regulation was set down with the career technical staff both from Washington, D.C and Ann Arbor, to make sure their views were taken into account. And it was about a two to three hour briefing late on a Friday afternoon. At this point, I can assure you that the EPA technical staff, the career staff, are working hand in hand with Department of Transportation before we go final with any regulation on the CAFE proposal. They're meeting on a regular basis several times a week, sharing information, sharing data. And I assure that the final regulation, which I have overseen as the EPA administrator has the full input of the EPA technical staff.

LOWEY:

So, can you assure us that the problems identified by EPA staff about deficiencies in DOT's proposed modeling, will be addressed in the final rule?

WHEELER:

We certainly plan to have a final rule that both the technical staff and career staff at EPA and DOT will fully embrace and stand behind. That is our intention.

LOWEY:

Now, I also want to mention that there have been reports the auto industry doesn't support how the administration is proceeding, as they never asked for the standards to be flat lined. Can you name a single company that prefers the proposal over an approach with federal government works collaboratively with states like New York and California, to write a reasonable rule that gives consumers and industry certainty, and avoids needless litigation?

WHEELER:

Well, I can say that the auto companies certainly came to the administration before I joined the administration asking for relief from the Obama CAFE standards. We've been working closely with them. They have all filed comments during the open comment period on the regulation. We're taking a look at those comments and our goal is to have a regulation, a CAFE standard that all 50 states can support, as well as the industry, and the environmental organizations as well. But we are certainly taking their views into account and we hope to have a regulation that they can all feel comfortable and can achieve. But, right now most of the companies are not currently achieving even this year's Obama standards. They're paying penalties and they're cashing in credits that they've built up instead of meeting the actual CAFE standards of today.

LOWEY:

Let me just say I appreciate the chair's indulgence.

MCCOLLUM:

If you'd yield for a minute.

LOWEY:

Yes.

MCCOLLUM:

On this topic, if you'd yield for a second.

LOWEY:

Yes.

MCCOLLUM:

So, I just want to a little clarity, because I think there's a couple pieces to this conversation. One is the standards, the other one is enforcement. President Trump's budget, and I quote from it, it says, the EPA will continue to ensure clean and safe air levels while providing certainty and flexibility to regulated community. The agency will continue to perform its compliance oversight functions on priority matters where there is evidence to suggest noncompliance.

Now the EPA's discovery of the Fiat-Chrysler issues, you know, defective devices in its diesel vehicles in 2015 and '16, was the result of EPA spot checking the vehicles to ensure there was compliance in the wake of the VW scandal. Prior to the testing, EPA had no evidence that Fiat-Chrysler was using defective devices in its diesel vehicles. So, as you're going through talking about CAFE standards, regulations, and that, and working with the states, the policies that the Trump administration is putting forward would have not caught the Chrysler emission cheating. And I don't think that's a good idea. So, what are you going to put into assure the Ms. Lowey and others, that this rule making your looking at is not be reactive, but proactive? Because if we don't even know there's something wrong, we can't even react to it.

WHEELER:

We are, in the enforcement program, under our Assistant Administrator Susan Bodine's leadership, we're moving away from focusing on entire industry sectors, and instead looking at outcomes. For example, non-attainment areas, impaired waters. We're looking to see what we can do to bring those non-attainment areas to attainment through enforcement actions. The Fiat-Chrysler work, I have to absolutely applaud the career staff in Ann Arbor. They approached Fiat-Chrysler, who assured them they were not, did not have defeat device, but our staff

believed that they did. And they literally combed through the computer programs. And the code, which for the Fiat-Chrysler for the trucks, had, I believe was over 20 million lines of code, which is twice the amount of code that you find in a jet.

So, our career staff found where the defeat device was located within the computer codes. We will continue to do work like that. And we have had other enforcement actions to, against other auto companies since then. Both civil, and we're moving forward, we have other cases in the works. We're making sure that when people are not playing the rules and they are creating more pollution by not following the standards as required under regulations, that we will catch them, and we will hold them accountable to make sure that the pollution is reduced. Again, I commend our career staff in Ann Arbor for finding that.

LOWEY:

Unfortunately, I have to leave, so I will leave the questioning to our distinguished chair. But I do hope that you will work collaboratively with states like New York, California, to write a reasonable rule that keeps consumers an industry certainty and avoids needless litigation. And thank you very much. And I am sorry.

WHEELER:

Thank you.

MCCOLLUM:

Thank you. I think the key word here is we need enforcement because we need to trust and verify. Mr. Joyce?

JOYCE:



Thank you, Madam Chair. As I mentioned in my opening remarks, this subcommittee and the chair and I in particular, recognize the important role that the Great Lakes Restoration Initiative plays in the ability to protect and preserve the Great Lakes ecosystem and 24 million Americans who depend upon it. We have seen firsthand, that providing resources to restore the health of this ecosystem directly impacts the health of our economy. Since 2010, a total of 70 beneficial use impairments at 24 areas of concern in the Great Lakes state have been removed. This is seven times the number of BUI's removed in the proceeding 22 years, including two BUI's in Fiscal Year 2018 in Northeastern Ohio at the Cuyahoga and Ashtabula Rivers. It is because of the continued success stories like this why year after year this subcommittee has consistently on a bipartisan basis, rejected proposed cuts to the GRI from both current and previous administrations.

Mr. Secretary Wheeler, could you take a moment to speak to the importance of the Great Lake Restoration Initiative and improving the quality of the Great Lakes ecosystem and the health of the citizens who live in this region?

WHEELER:

Absolutely, congressman. I've made this statement a number of public forums and nobody has corrected so far, so I continue to make it until somebody corrects me. I believe I am the only EPA Administrator in the history of the agency to go swimming in the Great Lakes. I am from Ohio, as you know.

JOYCE:

Yes.

WHEELER:

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I went to school in Cleveland. I fully, I love the Great Lakes, and I completely agree with President Trump last week when he announced we will fully fund the Great Lakes Initiative. I have visited, as EPA administrator, the Great Lakes area in Michigan. And we're doing some tremendous work there. Working with the Michigan DEQ. I've seen where the governor of Ohio has announced a large initiative to help the Great Lakes from the Lake Erie side. When I was at the G7 Environmental Ministers meeting, last September in Halifax, I had bilateral with Minister McKenna from Canada. And she and I talked about what we can do jointly to help improve the health and the quality of the Great Lakes. And she and I intend to have, to visit the Great Lakes together. We're looking at where can visit both in the U.S. and in Canada on the same day to see some of the initiatives that we're doing to clean up the Great Lakes. But this is something that we take very seriously. I take very seriously. The president takes very seriously. And we're working to see how we can continue the progress that we've made with the Great Lakes.

JOYCE:

God bless somebody who also, cherishes childhood memories of spending their two-week vacation swimming in Lake Erie in the late '60's early '70's. I am amazed they still have any hair. It would come along since those days with the restoration initiatives and efforts that we've done. But, based on what you've mentioned, in light of the president's comments in Michigan last week, what is the administration's desire Fiscal Year 2020 request for the GLRI?

WHEELER:

The actual dollar amount, I believe \$300. And it's my understand we've been talking to O&B over the last couple of days about submitting an additional request to Congress to cover that amount.

JOYCE:

So, it's safe to say we're likely to see an addendum from the administration noting the change and indicating where this \$270 million will come from?

WHEELER:

We're certainly going to follow the president's direction on that and we're working with O&B on the number and how we ask for that.

JOYCE:

Knowing that we have many members on a tight schedule, I yield back.

MCCOLLUM:

Thank you. The ice cutters were in Lake Superior, it's a little too cold to go swimming there right now.

(LAUGHTER)

Mr. Kilmer?

KILMER:

Thanks, Madam Chair and thanks for being with us.

So, I represent a district in the state of Washington that has already seen the impacts of climate change. We have seen catastrophic wildfires. We have people that work in our fisheries and shellfish aqua culture that are seeing changing ocean chemistry affect their livelihoods. We are seeing coastal communities dealing with rising sea levels that present an existential threat to those communities. This isn't a hypothetical threat. It's a reality that we are facing in my

CQ

state and in my district. And I am really concerned. Because, not only have we received seven pages of testimony from you that doesn't mention climate at all. Not only have pages related to climate adaptation have been removed from your agency's webpage. Not only did you go on Fox News and say I don't see climate change as an existential threat. It would be bad enough if your agency is just ignoring the problem. It's worse than that. Because you're actually taking steps that move us in the wrong direction.

As with other toxic pollutants, your administration has not only failed to develop regulations to protect public health and environmental quality, you're actually systematically dismantling key regulations like the clean power plant and auto efficiency, auto fuel standards, that were putting us on the right track. So my question is, are you willing to come and meet the folks that I represent who not only recognize that climate change is real, but are actually dealing with these threats today, so you can hear firsthand about the dangerous consequences your policies have had?

WHEELER:

Congressman, I am happy to visit with your constituents. I do want to say we did not dismantle the clean power plant. The Supreme Court issued an historic stay on the clean power plant and why we're going forward with our ACE regulation. Our ACE regulation will reduce CO2 emissions 34 percent below 2005 levels once it's fully implemented from the electric power sector. We also are reducing CO2 through our CAFE standards. Our calculations for the CO2 emission from our CAFE are pretty much in line with what the Obama administration would have achieved under their proposal. We have fewer exemptions under our proposal than the Obama administration did. Even though we flat lined it, they gave a lot of extra credits for different programs like electric vehicles that we did

not include, which will actually end up having around the same level of CO2 reductions from the CAFE standard. We are implementing the Clean Air Act, as Congress passed to reduce CO2. We take it seriously. I take it seriously. And we are moving forward under both the ACE proposal, which we hope to finalize in the next couple of months. We're following the Clean Air Act, and the courts decisions in order to draft the ACE proposal. And we believe it will be upheld in court so that we will have a regulation that actually take effect to reduce CO2 emissions from the electric power sector.

KILMER:

So, let me switch gears. You've said that you see water quality as the greatest environmental threat facing our nation. And I agree that your agency has a major role to play in addressing that challenge. Because I see how water quality is negatively impacting my regions most important body of water, Puget Sound. As well as the iconic species like oysters and salmon, and orca that depend on a healthy sound. But again actions speak louder than words. And the fact is, your actions aren't helping to address this challenge. You presented a budget that pays lip service to improving water quality but then cuts programs like the Puget Sound Geographic Program and the National Estuary Program, and categorical grants to combat non-point source pollution. Which all directly support water quality improvement efforts. You have also rolled back existing water quality standards and failed to take action to regulate new toxic chemicals like PFAS. And perhaps, most alarmingly you fail to recognize the clear link between climate change and water quality issues. We've already seen how the increasing frequency of severe wet weather events is causing more toxic storm water and combine sewer overflows to pollute our environment and contaminate drinking water at unprecedented rates. And climate models predict that these conditions will only become worse. So, my second question to you is, how do you

CQ

realistically intend to address the very real water quality challenges facing our nation without funding them, and without addressing the underlying effects of climate change?

WHEELER:

First of all, we will implement the budget that Congress appropriates for us. But our budget is geared at returning the agency back to its core mission to fulfill that the clean air, clean water, the contamination removal at the solid waste sites around the country. And I believe that it will do that. Most of the programs that are limited in the budget are on the voluntary side, but we can make up for some of those. For example, on the Chesapeake Bay, the WIFA grant that we gave Baltimore, will go a long way to help cleaning up the Chesapeake Bay. We instituted, actually a month and a half ago, a new memorandum to work with farmers to provide some market-based mechanisms to help farmers on the nutrients that are causing problems in a number of estuaries like the Puget Sound estuary. So, we're trying to work more cooperatively with regulated communities like agriculture and farmers to clean up the water the run off, the nutrients that are going into water systems like that on the ocean plastics issue where we have our trash free waters program that will help with reducing the plastic loads that are going into the oceans. Which are impacting the West coast. Those are for the most part, waste that are coming from six Asian countries. So, we're trying to work internationally, cooperatively to try help clean up the ocean plastic waste debris. We're working with our counterparts at the State Department and USAID. And some of the funding that they have as well.

So, we're trying to be very creative in what we do with the budget in today's world where we're trying to tighten our belts across the board with the federal government. We're trying to see what we can do through our existing programs to

address the environmental problems. And I think we can address problems like what we see in Puget Sound and some of the other estuaries around the country. Not with the program dollars geared specifically for those estuaries but through our overarching programs under the water office and other agency office across the board where we can improvements in the environment and make sure that we are cleaning up all the estuaries, including Puget Sound. I know in Puget Sound we're working cooperatively with the tribes in that area. And EPA has been reaching out to them, our region 10, regional administrator has had a number of meetings when I was in Seattle, I sat down with the tribal leaders from seven or eight different tribes to talk about what we can do cooperatively with them to clean up Puget Sound other water bodies. And several of the tribes around the Puget Sound that I met with that day.

KILMER:

Thank you, madam chair. I yield back.

MCCOLLUM:

Thank you, Mr. Kilmer. Mr. Kilmer and I come from the bold North as you know. And the Canadians just released their Canadian changing climate report this Monday. And Canada is warming at twice the rate of the rest of the world. Northern Canada is warming even quicker, three times at the global rate, so those of us from the bold North are very concerned about this issue. And I thank the gentleman for raising it.

Mr. Stewart?

STEWART:

Thank you, Madam Chair. Administrator Wheeler thank you for being with us. You as well Ms. Greaves. I see the folder that you have before you and there's 8,000 questions in there, potential questions that you have to be prepared to do an assist on with the administrator. And I imagine these hearings are, I don't know if they're stressful for you, but they certainly take a little of your attention. And I imagine a lot of preparations, so thank you for being here.

I appreciate your tone administrator. You know, I am one who believes that if we could have a discussion on many of these issues, that wasn't as politicized as they are, which is unfortunate. And frankly, sometimes accusatory. I have been told several times, someone says well you're a Republican you don't care about clean water, you don't care about clean air. I just think that's nuts. So, what an intellectually lazy way to start a conversation. To assume that one member of one party doesn't care about these issues. Of course we do. I live in the West. I love the West. And I think as a father and a grandfather now, everyone wants to preserve these things. I believe you do as well.

You know, in your opening comments you had the chance to refer to a couple of things. But there's some other things I want to thank you for. I want to emphasize the deregulation. We can have a balance of protecting these core values of water, air, environment, and still make it a business-friendly environment as possible. And I think we're seeing that reflected in some of the strength of the economy, but some of the deregulation you've done is very important, but at the same time, you're commitment to the lead and drinking water. For example, your water infrastructure initiatives. I mean, just going through the pages here, state revolving funds, contaminated land clean up. An important one for me is the reduction in the permit application backlog. Particularly for the west.

Which leads me now to my question. And, I know these are a little geocentric, which is why again, I don't know how you prepare for all these potential



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questions. It has to do with refineries in Utah. All of them, which are classified as small refineries. And we have this interesting reality in Utah that we provide much of the refined petroleum for a lot of the intermountain west. In the past, in 2017, EPA granted 33 of 35 small refinery exemption petitions. In 2018, I know that was before your time though, I think overlapped with your as Assistant, as a Deputy Administrator. We didn't approve any of them in 2018. At least that's my understanding. Six months is what some of them have been waiting. 90 days is what your own regulations allow to grant that. Give me some good news on these small refinery exemptions for renewable fuel standards if you would.

WHEELER:

Certainly. And as you can imagine, I get a lot of questions about the RFS program from a number of different members of Congress on both sides of the issue. On the small refinery exemptions we are moving forward as the statute directs us. The EPA actually, prior to my taking over the agency, had been sued three times and lost three times, on the small refinery program. So, we are implementing the program according to the court decisions as well as the statute, as well as appropriations language that we've received in the past. As far as the 2018--

STEWART:

--Let me ask you just for clarity, do you view those court decisions and the appropriations language as being in conflict or do you think they're in concert?  
There's no--

WHEELER:

--those are in concert--

STEWART:

--there's nothing there that would preclude one precludes the other, true?

WHEELER:

True.

STEWART:

Yeah. Ok.

WHEELER:

As far as the 2018 applications, we have not received the official applications for the Department of Energy yet. The way the program works is the small refineries apply to the Department of Energy, they conduct their analysis. They have sent a list of the refineries that are requested, a small refinery exemption. But they have not sent the actual applications over. We are expecting those any day. Probably within the next couple of weeks.

STEWART:

So, I need to--

WHEELER:

--we will process those on a timely basis.

STEWART:

So, if we want to accelerate this, we need to talk to DOE, not you, is that true?

WHEELER:

I am not sure how long DOE had them before they processed them themselves. Most small refineries wait until after the next years RVO's are published, which was in November, before they apply.

STEWART:

Let me ask you this, let's assume that what you just said is true. And I hope that it is. That DOE sends those applications over to you, I think you said any day or shortly. Will you be able to comply with the 90 day, your 90-day guidance and turn those around very quickly? And please, if you can't, please do. They've been waiting a long time now. It's very, very important for these small refineries.

WHEELER:

We will certainly try to comply within the 90 days. I will also point out the same staff that works on those are also working on the E15 and the rent price mechanism proposal that we hope to have published by June 1st. We're also working on the RVO's that are due this fall. This administration was the first administration, first time in EPA's history, to publish the RVO's two years in a row on time. We want to try to do that to provide certainty for the entire, for the ethanol side and the refiners. We also are working on a reset. And also, there's a court remand. So, there's five or six competing priorities, but we will certainly try to get them. If we get off, I believe there's 30 something, if we get all 39 on one day, it may be hard to process all of them within the 90 days. But we will do it on a rolling basis.

STEWART:

Ok. Appreciate that. Thank you, madam chair.

MCCOLLUM:

Thank you, Mr. Stewart. Mr. Serrano?

SERRANO:

Thank you, madam chair.

Mr. Administrator you recently replaced all seven members of the EPA Clean Air Scientific Advisory Committee that advises the EPA on national air quality standards. You, a former coal industry lobbyist, appoint four state agency members that work on the Republican Governors Committee chairs and industry consultants. There is no one with expertise on public health. The committee that disbanded all scientific experts on particular matters, and those on this stance in direct intervention of Congressional intent. This morning, Dr. Bernard Goldstein, former chairman of the committee and EPA assistant administrator under President Reagan, wrote an op-ed in the Post declaring, he would resign in protest of your systematic undermining of scientific integrity and the wholesale giveaway to polluters and industry.

How do you respond to this alarming article from Dr. Goldstein?

WHEELER:

I have to say, I have not seen the article yet. That does concern me though. I don't believe we've done that on the CASAC, I didn't hand select any of the people on the CASAC they had recommended me to by both career staff and the science advisory board office. And I believe we have a very good balance of talents on CASAC. I believe one person had to resign, who I believe an epidemiologist who haven't yet replaced that person. If I am remembering the board. It's either science advisory board or the CASAC. But, the CASAC committee is charged with

reviewing our science on both the ozone and PM NAAQS. And I know they had a spirited conference call this past week. I am looking forward to hearing the report. I understand there's a letter on its way to me from CASAC. I take that very seriously. And I look forward to working with them going forward. I certainly will read the article that you mentioned. But I have not seen that article yet.

SERRANO:

Ok. I would imagine that someone like Dr. Goldstein would get his desire to write what he wrote based on a lot of the things that I mentioned are happening. When do you see filling that position that is so important? You said the person resigned.

WHEELER:

I believe it was, I will have to get back to you on the timing of a replacement for that person.

SERRANO:

How do you justify the appointment of all the members of the committee and their subsequent actions in removing all qualified scientists from the (INAUDIBLE) zone and particular standards panel?

WHEELER:

You're talking about the sub panels?

SERRANO:

Yes.

WHEELER:

So, under the Clean Air Act, the EPA is required to update the NAAQS every five years to conduct a review. What we found when we reviewed the process that we had in place, the subcommittees by the way, are not required under the statute, and they were not contemplated in the 1990 amendments. When we looked at the current process, the current process took more than five years. And we're required under statute to review both NAAQS and within five-year period. So, what we did was streamline the process so that we can comply with the Clean Air Act and finish our review within five years. CASAC, and I sat down the head of CASAC last summer when he took over the CASAC, and I told him if you need additional outside scientific expert opinions or advice, CASAC is free to seek that out, and receive that additional advise from other scientists. And they can still do that. But, if we were to reinstitute the subcommittees, that would take us past the 2020 deadline under statute where we're supposed to revise the NAAQS for both PM on. And we're committed to trying to get both of those within the five-year timeframe that the Clean Air Act envisions. And that would be the first time the agency has every met the five year, if we're able to do that.

SERRANO:

I am going to give you an opportunity, sir, to make a statement on your behalf. What would you tell people who see all the changes that I mentioned here, and how your board was appointed and the committee? And say, oh my God, we're just going to go back undo some fine work that we did in the past. What would you say to them?

WHEELER:

I would say that's not what we're doing at all. The CASAC members and the members of the Science Advisory Board were selected in large part, for geographic diversity. Geographic diversity of viewpoints and backgrounds. I

would also point out, on the one NAAQS for the PM under the Obama administration, a lot of people asked us to revisit that and to repeal that standard. We did not do that. We kept that in place. And we're taking the review of both the PM and ozone NAAQS very seriously. Again, we want to try to get that completed within five years. This is what the American people deserve. Prior NAAQS were used to six, seven, eight, even ten years at point. I don't think that's fair to the American public to wait that long to review the NAAQS each time. After we're finished with the five year at the end of 2020, we will start the next five-year review. This is supposed to be on a rolling basis. So, that we constantly reviewing the updated science that we receive, and we take the advice and opinions of the CASAC members and from the public, because this will of course go out for public comment, before any final action on the NAAQS.

SERRANO:

My time is up. Let me just finish by telling you that should take seriously the concerns that exist among not only among members of Congress, but amongst the public, that there are people in the administration to undo EPA. To go back in time to bring us back to the bad days. And you should take that, not just as comment, it's something that you should look at if you care about the work that you're doing.

WHEELER:

I do, sir.

SERRANO:

Thank you.

WHEELER:

Thank you.

MCCOLLUM:

Thank you. Before we go to Mr. Amodei, there's a lot of abbreviations that are used when we have committee hearings. And I have been trying to do this myself, on the questions I have before I refer to the abbreviation, I am going to say what the whole title of the program is. And so for reference, CASAC is the Clean Air Scientific Advisory Committee. So, I would ask members the first time you refer to, or Mr. Wheeler, the first time you refer to a program before using an abbreviation to please state the full name of the program. So, that anybody who is participating knows exactly what we're talking about. And it doesn't sound like insider baseball. Because it's baseball season now.

Mr. Amodei?

He's working on a really great question. I just know it.

Mr. Quigley?

QUIGLEY:

Thank you, Madam Chairman. Mr. Wheeler, thank you for being here.

A few minutes ago, sir, you mentioned that the EPA will implement the budget it gets. Something like that?

WHEELER:

Yes, sir.



QUIGLEY:

Mr. Wheeler, all EPA offices have lost engineers and scientists that have not been replaced. Region 5, my region. I began my professional career in air programs at Region 5. Region 5 has lost over 120 engineers and scientists since 2017 to attrition and retirement. EPA has not spent the \$3 million it had in FY '18 to hire replacement staff, that the region had available in the environmental program and management account. Why did each region not spend down the accounts designated for staff salaries and expenses when management knew that the regions were desperately in need of staff in 2018? Sir, as of April 2nd, 2019, Region 5 has not replaced even 20 percent of the staff it lost in FY 2018. What steps will you take to speed up the hiring in each region? Because honestly, you can't you're going to implement the budget if you haven't and were not.

WHEELER:

Congressman, I will tell that we are trying. We have some serious workforce challenges at the agency at this point. We went several years without a permanent human resource director. We just hired a new person who started less than a month ago. I actually interviewed her before we hired her. Even though, I am told that an administrator doesn't typically hire, doesn't typically interview the human resources person. That's two or three levels below, but I knew that there's important challenges that we face. And I want to make sure we had a great human resources director. 40 percent of our agency workforce is eligible to retire over the next five years. We are trying to hire up. But we are also losing people at a very fast rate. The TASCA program, which is one of I know off the top of my head, last year in 2018, we hired 30 new staff to work on the TASCA legislation.

QUIGLEY:

We don't have time--

WHEELER:

--we lost 30 people last year in that program as well. So, we're hiring people as fast as we're losing people.

QUIGLEY:

What I would like--

WHEELER:

--we're trying to address this.

QUIGLEY:

And I respect your opportunity to respond. I think it would be better is if you could, in writing, if the chairman would have it, if you could detail exactly what you're doing to recruit. The numbers that you're interviewing and exactly what your approach is to go out and hire folks. Aside from the fact that perhaps, they are concerned about the policies of the EPA, there shouldn't be other reasons why folks don't want to do this.

But, let me shift to Brownfields. It's easy to tire of the agency talking about what it cares about and then in reality, it does something entirely different. It is repeatedly stated that superfund clean ups are at a priority. But, the administration's budget cut for all types of clean ups, total \$116 million or 15 percent. Doesn't this, again, seem contradictory?

WHEELER:

Well, under our enforcement program we're going after more aggressively, potential responsible parties to make sure that they are paying for the clean ups of the superfund sites. Part of what we're doing is using our resources more effectively, I believe. We're speeding up clean ups. We're bringing parties' together working out the differences. The East Chicago superfund site, we have sped up the cleanup of that site which will improve lead contamination and yards where children are currently playing. We did the same thing for lead smelter site in Colorado. It was projected to take eight to ten years to get it cleaned up. I personally got involved in that site last year and we're now on a three to four-year timeframe at that site.

QUIGLEY:

And again, sir, given such a short timeframe today. If you could detail, in writing, the number of investigations, quantified to the extent you possibly can. Exactly what the agency is doing on Brownfields and how it's moving forward much more aggressively.

I got to ask, Willow Brook, Illinois is not in my district, it's my colleagues district. Given the threat risk that was involved there, why did it take the state EPA to shut that place down and not the U.S. EPA?

WHEELER:

We have been monitoring the air, working with the community groups, working with the state. Giving them a lot of the data that they use. When we take an action like that, we have to make sure that it can be upheld in court. We are working aggressively on a new regulation that will address the emissions of ethylene oxide from facilities like Willow Brook. And we are moving forward very aggressively. We did ambient air monitoring from November until March. We're now doing

dispersion modeling to determine what type of regulation we need to protect the people there. But we have provided assistance. We've been on the ground. We've had EPA personnel there. We've had the EPA monitors there. The State of Illinois has relied upon us for a lot of the technical assistance and a lot of the work--

QUIGLEY:

--I apologize, sir. My time is up. As you know, in 2016 they found ethylene oxide to be 30 times more carcinogenic than previously suspected. Your monitoring show when they shut down, the numbers went down dramatically. The cancer risks were extraordinary, and you still let the EPA do the heavy work.

I appreciate that. Thank you.

MCCOLLUM:

Thank you, Mr. Quigley. I am going to have a question on staffing later. And we'll work with your office to make sure that we do a robust question to the EPA to address your issues on this. And it's also my understanding, Mr. Quigley, that the EPA set regional targets, full time targets, lower than what Congress had directed. So, that's going to be one of the things that we're going to ask you look into.

Ms. Watson Coleman?

WATSON COLEMAN:

Thank you, madam chairman. Thank you, Secretary Wheeler.

Administrator Wheeler, one of the most critical recent public health regulations has been the mercury in air toxic standards which prevent an estimated 11,000 premature deaths, 130,000 asthma attacks, and 4,700 heart attacks each year. Yet,

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my understanding is that you are now proposing to eliminate the foundation of that rule, making it more vulnerable to legal challenge. Can you assure this subcommittee that it hasn't changed to the appropriate and necessary standard will not result in the courts overturning the rule? It seems from your proposal that you want to ignore the tremendous public health benefits that the rule. Within areas that 68 percent of African Americans live within 30 miles of coal fire power plant. And 40 percent of Latino's do. So the harm from abandoning this rule would disproportionately affect this minorities. Will the EPA consider the public health impacts and the effects on minority communities of losing the mass rule before finalizing that rule, and will it make that analysis publicly available?

WHEELER:

Thank you, congresswoman.

On the MATS regulation, we had a Supreme Court case that told us, that directed to go back and look at the cost benefit analysis and the rationale behind the regulation. Which is what we've done. And that's what we did in our proposal. At the same time, in our proposal we also did the technology review. Which is also required. We believe by doing both the appropriate necessary review that the Supreme Court directed to do, and the technology review at the same, will ensure that the technologies that have already been deployed, the power plants around the country will remain deployed. Will remain on and will not be turned off. Most of the equipment that has been installed not only reduces mercury, but also reduces other pollutants as well.

WATSON COLEMAN:

Yes.

WHEELER:

So, even if it were to be turned off for mercury, it would still be turned back on again for the other pollutants. So, at the end of the day we do not believe, and our analysis shows, that we do not believe that any mercury control equipment will be turned off anywhere in any of the plants around the country. That is a regulation. Its--

WATSON COLEMAN:

--thank you-

WHEELER:

--it's already been implemented.

WATSON COLEMAN:

Thank you, Mr. Administrator. So does that mean that there sort of not ancillary, but co benefits, the health benefits, will continue to have the same kind of weight in this consideration as to what should be allowed, and what shouldn't be allowed.

WHEELER:

Well, that is what the Supreme Court pointed to in their decision.

WATSON COLEMAN:

Well, that's what I am asking you.

WHEELER:

The Supreme Court took issue with the co benefits justification of the Obama regulation. So, we are justifying the regulation. In large part by the technology--

WATSON COLEMAN:

--thank you, sir. So, by not feeling obligated to consider those sort of health benefits, the impact on asthma, the impact on heart attacks, the impact other such issues. Could conceivably make these populations, particularly those that live in proximity, more vulnerable. If you all agree that these co benefits aren't necessary or too rigorous.

WHEELER:

Well, again, the equipment won't be turned off. So the air quality will not be decreased at all. But the co-benefits go to particulate matter. And we have other regulations that address particulate matter and we're in the middle NAAQS PM review now as we speak.

WATSON COLEMAN:

Yeah. I'm really interested in this particular issue because I understand it that the much of the coal power industry supports this rule as it is. Including, those that are the Edison Electric Institute, the American Public Power Association, IBEW, LiUNA, Senators Manchin, Tillis, Carper, and Susan Collins, the American Lung Association, and the Sierra club. In other words, basically across the political ideological spectrum--

WHEELER:

--except the Supreme Court--

WATSON COLEMAN:

--and opposing the rule, however, we have one person who stands out, and that's Bob Murray. Who happens to be your former client and a major to your boss, who has sued the BLACA (SP) rule? Have you considered recusing yourself from the discussion and the evolution of this rule change?

WHEELER:

Well, first of all I take my recusals very seriously. I am recused from working with any of former clients or having any conversations with my former clients about any EPA--

WATSON COLEMAN:

--so you're then you're telling me yes, you are recusing yourself in this instance?

WHEELER:

I am allowed to work on rules and regulation of general implacability, which is this considered. I did not lobby on this.

WATSON COLEMAN:

Do you see the possibilities of this looking as if it's a conflict of interest with regard to the benefit to Mr. Murray? Or do you see it as a possibility of just undermining future environmental regulations?

WHEELER:

I've taken the recusals very seriously. I have worked with our career ethics officials.



WATSON COLEMAN:

You know, I thank you. I thank you. I have to tell you that you do talk a very positive game. But, for me, actions speak much louder than words. I just wanted to say from just a few things about the healthy schools grant program. Which is a new program, there is \$50 million appropriation recommended by you. And it says that this somehow will mitigate some of the asthma triggers. I wanted to know how.

WHEELER:

By reducing some of the pollution that we find in schools.

WATSON COLEMAN:

In the schools?

WHEELER:

In the schools. There's a number of different environmental issues with particularly older schools. So a lot of the older schools are in poor communities, in rural communities.

WATSON COLEMAN:

Thank you, Mr. Wheeler.

WHEELER:

I love talking about that program, sorry.

WATSON COLEMAN:

Thank you.

MCCOLLUM:

Thank you. For the record, and Ms. Watson Coleman, it might be a different letter that you were referring that I think you were referring to, possibly, a letter addressed on March 26, 2019 to the Honorable William A. Witham, assistant administrator of air and radiation. And from reading through this it was just strictly about regulation. It wasn't about the Supreme Court ruling on using health care cost benefit analysis, and they wanted to see the rule as currently written stay in place. So, without any objection, I will enter this into the record. And if you have something else, you'd like to enter, we can do that, too. Without any objection?

Want to see the letter?

JOYCE:

(INAUDIBLE)

MCCOLLUM:

Of course you can review it. And we'll get back to it later. And while you're looking at, we don't have any further questions from any new Republican members unless they walk in. So, I am going to go through with the questions from Ms. Lawrence and Ms. Pingree, and myself. And then we will return to you Mr. Joyce.

Ms. Lawrence?

LAWRENCE:

Thank you, madam chair. Thank you, Mr. Wheeler for being here today. The EPA is charged with protecting our health and the environment now more than ever. This administration, we need a strong administration that believes in this mission. EPA should be overseeing programs that save our communities from harm. But this budget does not reflect that. This administration's priorities, in my opinion, does not do that.

I wanted to follow up on the appropriated funds which have not been dispensed. I have been advocating of three drinking water programs authorized in 2016 under the WIN Act. Assistance for small, disadvantaged communities, reducing lead in drinking water, and lead testing in schools. Since 2016, Congress has appropriated funding. But the money has not gone out the door. Ms. Holly you might to be weigh in on this. There's millions in drinking water infrastructure funding that's just sitting around. Can you please explain what's EPA's plan for these funds? And do you plan to ensure that these funds are distributed in our communities?

WHEELER:

Yes, and I might actually refer to my CFO in a minute. It's my understanding in the coming weeks we will be announcing the details and the allocations for the small and disadvantaged communities grant, and the allocations for the lead testing in schools grant. And we have also requested \$10 million for the lead testing in schools grant for the 2020 budget. So, we are moving forward on these programs. As you know, these are new programs. So, they are a little slower in getting them off the ground. But we anticipate announcing the details and the allocation for both of those grants in the next few weeks.

LAWRENCE:

My next question is about, we only have one pot of money. And your budget creates a new healthy schools' program that asks for \$50 million. We already have bipartisan programs in place that assist children in schools with contamination infrastructure, and health. Why are you creating a new program, when you could just keep the programs, fund them, implement them, that we already have? With this \$50 million you're taking away, it averages out about a dollar per child in other programs.

WHEELER:

Part of what we discovered, what I discovered, and looking at our existing school programs across the board, was that they were disjointed. We had a program in our TASCA office on PCB's and on window sills, for example. Our Air office has great program on health air in schools. We also have programs on the lead pipes and the drinking water in schools. But what we weren't doing was coordinating all of that into one program. And what this \$50 million request is, is to try to have that bridge for where we take all of our separate school programs together so we can provide grants to schools to look at the environment holistically. So, that if you have a school that's doing some remodeling, for example, that they look at all the different aspects on how to clean up the school to comply with the different requirements and the different programs we have. So, it's not taking away from the existing programs. It's trying to create the overarching program that will bring in the disparate school children programs. Literally, at one of my senior staff meetings, when I brought up a children's health issue, one of other aids said, we do this, and another one said, well we do that. And we realized that there was not good coordination across the agency. The agency has historically, has been fairly silo between the air program, the water program, the toxics program--

LAWRENCE:

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--thank you. I just want to state that the frustration I have, many, but one is that it's so much focus on dismantling the previous administration's programs, that if we move forward with them, we would actually be making a difference.

However, there's a majority of this administrations time is spent on dismantling anything that is related to the previous administration. You keep saying, we're going to, we're going to. We're going into our third year of this administration, where you spent almost two solid years dismantling where we have suffered as a result of that. Our eyes will be on you to see if you actually implement the new programs.

How close are you to listing the PFAS as a hazardous substance? And what is preventing you from moving more quickly? Congress has asked you to list them. This makes contaminated areas eligible for the superfund program.

WHEELER:

With hazardous, we just started the process on listing it as a hazardous substance under superfund. But we are looking at PFAS, PFOA under all of our different statutes and all of our authorities. We're looking to add to are Tier I reporting system. We're moving forward on the--

LAWRENCE:

--when will you be able to list, make the list, sir?

WHEELER:

We're just starting again on the hazardous substance side. So, that is going to take a little bit of time. But I want to reassure the public, is that we are currently enforcing our 70 parts per trillion in drinking waters around the country. We've taken aid enforcement actions and we assisted states and dozens of other

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enforcement actions. So, where we find PFAS, PFOA, and it's a problem for the drinking water, we step in and we make sure that the water is cleaned up. And that Americans have clean, safe drinking water. So, even though we're working on these other tools, we are still moving forward to enforce the current tools and working with our state partners across the board.

LAWRENCE:

One of your responsibilities is to advise this administration, I do hope that you will move from the point of working on it, projecting, and getting to it and started doing the job. And advise this administration on the tools that you need to be effective.

Thank you.

WHEELER:

Thank you.

MCCOLLUM:

On the standard that you are talking about for the PFAS, PFOA, the Department of Defense, it has been widely reported in the media, is going to be looking for a lower standard. I serve as vice chair on the Defense committee. And those of on the Defense committee that I have had informal discussions with, would prefer the EPA to stand strong. And tell the DOD we are not weakening the standards for military bases where our service men and women and their families live on those bases. We will be writing the Department of Defense and I will CC you on that letter.

Mr. Simpson, welcome back from Energy and Water. Good to see you.

CQ

SIMPSON:

Thanks, it's good to be here. My turn? See, that's why I waited until it was my turn, so I could just come in.

(LAUGHTER)

Administrator Wheeler, on this subcommittee we have questions, question many EPA administrators over the waters of the United States rule. It is no secret that Idahoans are deeply concerned about this under the Obama administration. Could you please update the subcommittee on the progress being made to rewrite the rule that provides clarity to this rule?

WHEELER:

I'm sorry, the waters of the U.S.?

SIMPSON:

Yes.

WHEELER:

Yes. So, we proposed our waters of the U.S. in December and its currently open for public comment. I believe the comment closes in a couple of weeks, that's right, on Tax Day. The comment period closes on April 15th. And our intention is to try to finalize that regulation before the end of this year.

SIMPSON:

Thank you.

In your testimony, you noted that \$700 billion backlog in water infrastructure. That's a backlog that seems to continually grow. Do you see an infrastructure package as a place that is appropriate to address this issue? And along those same lines at the Department of the Interior, I worked closely with Secretary Zinke and his team to address the backlog of maintenance in our national parks and other public lands. It is a long-term vision. Does the EPA have a long-term plan to address the water infrastructure backlog in this country?

WHEELER:

We do. And we would certainly, the administration certainly welcomes working with Congress on a new infrastructure legislation. But we do have a plan in place. We're using the SRFs, as well as the new WIFIA program. An the new WIA program that just passed at the end of last year. It wasn't funded for this year, but we have requested \$83 million for WIA. I will note, without the funding this year, we're going to probably miss the deadlines that were included in the new legislation. But, hopefully with funding, next year we will be able to get back on track. And that's going to provide some important grant and loan opportunities for a number of small communities around the country. So, we have three different, both WIFA and AWIA are new, but we're using the SRF as well.

SIMPSON:

Do you have plan where you can show me if appropriate the amount of money that you have requested for these different programs, what that would do to the backlog maintenance? Increase? Decrease? Because it just seems to grow no matter what we do. When you talk about \$700 billion backlog, putting \$83 million into a program really doesn't address it. And I know that there's more than just this one program that we put money into. But it seems to me like we need some type, when I was chairman of this committee, we had these discussions, and



we still have them. And we'll probably have them for the next generation. What can do to address this huge backlog of maintenance that continues to grow and grow and grow? And somehow, we need an overall plan to try to address this. It might be several different programs put together, it might be an overall sort of program. What we're talking about here is revenue. I think it's a revenue to do it.

WHEELER:

Absent, being appropriated \$700 billion, which I don't think is--

SIMPSON:

--probably not going to happen right now--

WHEELER:

--we have with the SRF, with WIFA, and with the new AWIA, I think we have some really good tools to address this. On the SRF, it's important to note that even though the appropriations may seem small year to year. Right now, there is \$80 billion circulating through the SRF program. Because as we loan money, it gets repaid, and we re-loan it out again. So there's \$80 billion currently in the two SRF programs. The WIFA program allows us to leverage private sector funding. We provide through WIFA that last bit of financing that's hard for communities to find in order to fund their projects. I mentioned earlier, we just funded a new WIFA program in Baltimore. And that's going to really help the Chesapeake Bay, for example. And I am going down to Florida at the of this week for a WIFA signing for the city of Miami. These are programs where you know, under WIFA, we put in a small amount of money, but it leverages up to 20, actually \$4 billion, \$11 billion total for 2018, is what is leveraged by that amount of money that we have in the appropriations for WIFA.

SIMPSON:

One question. I just have a few seconds left. States have the responsibility under the Clean Water Act to develop human health water quality criteria. As you are all aware, Idaho developed its own water quality standards and underwent a multiyear process that surveyed populations, including the tribes and their fish consumption rates. Can you please provide an update on where Idaho standard is at the approval process?

WHEELER:

Congressman, if I could get back to you on that. I would be happy to provide it for you in writing.

SIMPSON:

Thank you.

WHEELER:

Thank you.

MCCOLLUM:

Ms. Pingree you've been waiting very patiently on this very special for you.

JOYCE:

Does the gentlelady yield? It is my understanding that it is, on behalf of the committee, we would be remise if we didn't wish you a Happy Birthday and many more.

MCCOLLUM:

That's totally correct. It is Ms. Pingree's birthday. And Mr. Joyce and I in respect of our fondest wishes for you to have a happy birthday, will not sing you happy birthday.

(LAUGHTER)

But we yield to you.

PINGREE:

That is a great relief. Thank you. And thank you for those kind wishes, and I must say I can't think of anything I would prefer doing on my birthday than spending it with this committee, and with you Mr. Wheeler. So, thank you very much for being with us.

(LAUGHTER)

Yes, thank you very much Administrator Wheeler for being with us today. And also to you Ms. Greaves. It's been very interesting hear my colleagues' concerns. And I just want to add my voice here. I think all of us are very frustrated with this administration, with previous Administrator, and the EPA in general. The budget cuts, the lack of investment in science, the consolidation of departments we don't think should be consolidated. There's a long list. And many of colleagues have already mentioned them. And overall, they seem to constantly be pointing to a lack of regard for the challenges we're facing with climate change.

You had mentioned early on, in your opinion, economic growth and environmental protection can grow hand in hand. And we've given that a lot of thought, in my state, the state of Maine, where we're very dependent on having a healthy environment. And there are high levels of concerns from my constituents

and I believe people across the country. But we're seeing it in our everyday lives. Sea level is rising, our state as you know is framed by the ocean and the ocean in the Gulf of Maine is warming at rate 95 percent or more faster than the rest of the world. And those temperatures have a huge impact on our fisheries, ocean acidification. As my colleague Mr. Kilmer from the west coast mentioned, it's already having an impact. And these are big picture issues. These aren't things that one little program can correct. And it seems like that's where the EPA has the most disregard for the challenges that we're facing in the future. There's not a simple way to cool down the ocean if we don't have regard for the polar ice cap melting. And there's not a simple way to deal with ocean acidification. If we're not looking at these big picture issues, and with an administration that's pulled out of the Paris Accord, and seems to have total disregard for even this topic. You, yourself said it's not an existential threat. I don't really always understand what existential means, if this isn't an existential threat, I don't know what is.

I want to go back to a couple more specific points but express my frustration and real anger at the lack of regard in the administration in this budget. We talked a little bit earlier about vehicle standards. And that is one of those places where I can't begin to understand the justification for rolling back the previous standards and going back on what the previous administration did. Your own administration said it will cost about 60,000 jobs, lead to 7 billion tons of pollution at a time when we are really trying to deal with this issue. The way I look at it in my state, it's a very rural state, maybe one of the most in the country. People drive pickup trucks and bigger cars. In fact, they're just going to have buy a lot more gas. The Rhodium group did a study that shows that if we stick with the standards there are today, and don't continue on this process overtime it's going to cost consumers \$193 to \$236 billion. That's just real money out of people's pockets. And it appears to be done for the benefit of oil refiners. There was reported in the New York times last December, that a real push has been made by Marathon

petroleum, as well as a conservative think tank, the Koch brothers, saying that these standards were a relic of a disproved narrative of resource scarcity. Well, I think there's general understanding that we have to reduce our dependence on oil and gas in this country. And while we may have somewhat of a boom going on right, there are multiple reasons, including the quality of our air that we should be moving ahead. Most scientists believe there's no way to decarbonize without taming these carbon emissions. And we're missing out on the technology when we don't have our auto companies moving forward with this. Where everybody else in the world with hybrid and electric vehicles.

So, I've actually taken a lot of my time on my own diatribe here. But, can you give any justification why this is a good idea and why it benefits anybody but oil refiners or people selling these products? Why do we want to fall so far behind?

WHEELER:

Thank you, congresswoman. First of all, and I think the point you made about what people in Maine like to drive is part of the issue here. The mid-course evaluation that the Obama administration undertook, they started it in November 2016, right after the election. They went out for public comment and finished by January 20th. They did not review a lot of the data that we've been reviewing over the last two years as we move forward with our CAFE proposal. One of the interesting facts that we found is that average age of cars on the road today has increased, it used to be an average of eight, now it's 12 years. People are holding onto their cars longer because of the expense of the cars. We believe our proposal will reduce the price of a new car by \$2,300. It will also--

PINGREE:

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--let me just interrupt here thought. I understand in the short run. But the more competition there is on fuel efficient vehicles, the more we improve the technology. The more we have hybrid, we're going to pretty soon have an electric truck, we're going to have an electric SUV. We're going to be much smarter about all of this stuff. But, in the end if you keep people non fuel efficient cars, they're going to pay a lot more in gas. So, maybe you're right in the short run, it's going to cost you a little bit less, but aren't you in the long run of the vehicle, going to pay a lot more money in fuel?

WHEELER:

Remember the standards are floor, they're not a ceiling. We encourage the automobile industry to go as far as--

PINGREE:

--I think we all know that voluntary standards aren't going to help our country keep up with the rest of the world.

WHEELER:

Our standards wouldn't be voluntary, they'd be the floor. But, a lot of the car companies say that they can further. But it depends on what the American consumer busy as well. But, you know, we're looking not just at fuel efficiency with our standards. The Obama administration's proposal only looked at fuel efficiency or CO2. We're looking at both fuel efficiency as well as lives saved.

PINGREE:

I'm out of time and I'm dangerously out of time. But my other question is that it appears that there wasn't a lot of consult with the states. A lot of states want to

CQ

reduce these standards whether you do or not. Could you provide our committee with the records of the EPA and the NHTSA meetings on your consultations with the states? Because I feel there wasn't enough done.

WHEELER:

Certainly, we can, I can tell you I personally met with Mary Nichols from California three times.

PINGREE:

I have to yield back. Thank you for your answer.

MCCOLLUM:

Thank you, Ms. Pingree. Mr. Joyce has had an opportunity to review the letter that I wanted to submit to the record dated March 26th, 2019 to the Honorable William L. Webrum, assistant administrator of the Office of Air and Radon. And without further objection, this letter will be entered into the record.

I am going to ask some questions now. I want to talk about what I view as a serious issue when it comes to the integrity of science in the programs at the EPA. Last week, Senator Udall and I sent you a letter about our concerns about regarding the EPA's management of the IRIS program. And the IRIS program stands for the Integrated Risk Information System. And what I believe clearly is EPA thumbing its nose at congressional directives. Fiscal year 2019 Congress funded the IRIS program at the same level as the prior year and directed EPA to continue to do that work within EPA's office of research and development. Instead GAO recently found that IRIS staff had been pulled away from the critical chemical assessment work to support the office of pollution prevention and

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toxics. Can you explain how the agencies actions comply with congressional directives on the IRIS program?

WHEELER:

Certainly. And thank you, chair for asking me that. Because I do want to clear that up. Those people are still FTEs within ORD and the IRIS program. We had, I believe six IRIS staff that went on a short detail back in 2017 to the toxics program. They have since returned back to the IRIS program. We currently have two staff people. I believe one from IRIS and one from someplace else with an ORD, who have gone on to detail to the toxics program as well. This is part of our one EPA, where it's important for people who are working on risk assessments under IRIS know how the risk assessments are being used under TSCA, and the way the different programs work and operate. There's still IRIS employees, they're on short details. They come back to the IRIS program. And I believe when they come back to the IRIS program, they have a better understanding of how the work that they're doing under IRIS will be used by the other program offices within the agency.

MCCOLLUM:

Well, I thank you for that. But then I think if you need to be doing that. You need to come and talk to Congress about moving individuals around even as your short detail's. Because, there's work to be done in IRIS and we want to make sure that work gets done and IRIS is considered the gold standard. So--

WHEELER:

--federal employees take short details across the board all the time--



MCCOLLUM:

--I understand that, I have details in my office. I think they're valuable experiences, but right now the EPA has been sitting on the IRIS programs assessments for formaldehyde, for over a year. When the person left from IRIS because, the formaldehyde assessments important, it's important to industry, it's important to individuals. So, when the you remove someone from IRIS to go work on TASCAs, did you fill the IRIS position with someone else from a detail? Or does work just go undone? Because the GAO has testified that they IRIS assessment is almost complete. But the last year, the EPA's leadership decided to cut formaldehyde from the IRIS program, from its list of high chemicals. And then a few weeks ago, formaldehyde was designated as a high priority chemical under TASCAs. So, you know IRIS considered the gold standard. The work was moving to do that under the IRIS program, and now all of the sudden it's been moved to the TASCAs program where you've moved IRIS employees to TASCAs. So, please explain to me not only, the movement of employees, but the movement of formaldehyde from the gold standard to a lesser standard.

WHEELER:

Well, I don't believe TASCAs is a lesser standard first of all. But the employees that took the details, those were voluntary details. Nobody was reassigned. People can apply for details throughout the agency and that happens on a regular basis. I started my career as a career employee at the agency back in 1991. I took a detail to the Senate, back in '95.

But, as far as formaldehyde goes, I mean the IRIS program has been working formaldehyde for 27 years. I don't think you can blame all the delays on that, with this administration. But, on formaldehyde, the problem with just relying on an IRIS risk assessment, is there's no regulatory program under IRIS. But, if we put

formaldehyde through the TASCA program at the end of the assessment, under TASCA, we can regulate how formaldehyde is used.

MCCOLLUM:

I understand what you're saying about the regulation. But I beg to differ with you. The IRIS program is a reviewed process program that's considered, as a I said, to be the gold standard when it comes assessing toxicity. And it's based on scientific literature and its peer reviewed. TASCA's review method is using, right now, political appointees who don't necessarily use best scientific practices, and it's not peer reviewed. So, the standard under which the formaldehyde will be reviewed is different. So, was formaldehyde removed from the TASCA program rigorous review process and it's been shifted to, from IRIS to TASCA. Where are the findings of toxicity going to be made to the public that IRIS was looking at? Is the public going to be look at exactly what IRIS was finding with formaldehyde now that it's been shifted over?

WHEELER:

With the information that the IRIS program was working on formaldehyde, will be shared with the TASCA program and that will go into the underlying risk assessment that the TASCA program undertakes to review formaldehyde. But you know it was not removed from IRIS. What we did last year, under the IRIS program, IRIS had a long list, a long laundry list of chemicals that were requested for assessments. But what we discovered in going back to the program offices that originally requested those assessments, that people didn't seem to know they were requested or what the regulatory purpose was. So, what we did last summer and that was under my direction, was to have a new process where ORD, the IRIS team, reaches out to all the program offices and ask them to put four of the chemicals that they want to have an IRIS risk assessment conducted. And what

CQ

ended up having was basically a one-page form that would be signed by both the Assistant Administrator for which ever program office is requesting the risk assessment. As well as signed by the head of ORD, to agree on the parameters for the risk assessments, how long the risk assessment would take, and what the purpose of the risk assessment was. Those requests went out to all the program offices. They came back. There were 11 or 12 high priority chemicals that some of the program offices requested IRIS to initiate the risk assessments. None of the program offices actually requested formaldehyde under that process.

So, it's one reason why we went ahead and formaldehyde through the TASCAs program, because knew of the interest of both Congress and the public in getting some answers on formaldehyde. Again, if we were to move forward with the formaldehyde risk assessment under IRIS, it's at least 18 months at a minimum, away from being available to the public. During that time, we could be moving forward with the TASCAs program. And at the end of the TASCAs program, if there are toxicity concerns with formaldehyde, we must regulate it and control it. So, if we were to do the IRIS program, you'd spend a couple of years at the end of the day, you still wouldn't have started a regulatory program to deal with formaldehyde. By putting it in TASCAs today, is going to allow us to regulate it much faster-

MCCOLLUM:

--I understand your logic. I understand your reasoning on it. But you know we put funding into IRIS with the understanding that the congressional directive on IRIS would be followed. And that's one concern. The other concern is by the IRIS program not being able to complete its full assessment on formaldehyde, it would facilitate the TASCAs review process for formaldehyde to be more effective and more efficient in protecting public health. So, you've got a letter. We'll follow up

on more of this. I just wanted you to hear it from me, because I did send a letter. We are very concerned that IRIS moved forward as congressionally directed.

Another letter that we have sent, in February, I wrote you about Region 5 review of Minnesota's pollution control agency permit to use PolyMet Mining last December. The process surrounding the EPA's review of that permit was unusual. And so the heart of this goes to are EPA employees required to follow the Federal Records Act. During your tenure at the agency, EPA officials have, have you ever directed them to conduct agency business verbally in order to prevent or limit the generation of written records?

WHEELER:

Absolutely not.

MCCOLLUM:

Well, this why we wrote the letter. Because the EPA staff and in reviewing the permit indicated to the Minnesota Pollution Control Agency, that they had serious reservations about the draft permit. But that they did not send the MPCA the written comments about their concerns. Is this the usual practice, not to send, if this are serious reservations, not to send them in writing? An email?

WHEELER:

What I have encouraged our regional Administrators to do is work more cooperatively with the states. And what the original administrator undertook in Region 5 is what she calls action days. Where instead of sending letters back and forth with the states on issues like permits, they sit down, and they have a meeting face to face. She's now done this, Region 5 has done this in three actions. Two, one in Wisconsin, and one in Ohio on a KFO regulation and oversight. And then

this was third. And it's my understanding in talking to my regional administrator, and in she talking to the career staff who participated in the action day with the state of Minnesota. Was that all the issues that were raised in the letter were raised in the meeting face to face with the state regulators and they resolved all the issues.

MCCOLLUM:

Well, I raised these concerns because Minnesota Pollution Control agency did have notes. And they were made public through an open records request. The notes indicated that the career staff were preparing, EPA career staff, were preparing written comments on the permit. And had intended them to be transmitted to the Minnesota Pollution Control Agency. Did the EPA ever send the MPCA any written comments?

WHEELER:

It's my understanding, no. Because they reviewed all the comments and issues, they had in the face to face meeting with the Minnesota staff. It was career staff at the EPA working with career staff in Minnesota to review the concerns.

MCCOLLUM:

Here's where the devil in the detail comes to be. Minnesota felt strongly enough about it, to document things. We don't know if all the EPA concerns about the final permit were adequately addressed because the EPA has no document, they can show me or the public or anyone, that these concerns were actually addressed. Which goes to the heart of operating under a transparent manner. So, we know that somewhere along the line, the EPA, somebody wrote it down, they didn't keep in their head, comments. And read them off, maybe on a phone interview to somebody. We all prepare notes. I have notes prepared here. You have notes in

front of you. And so, the question that I have, is when will these notes from the EPA be made transparent? There are notes some place. Not everything dealing with PolyMet project and their concerns, that were expressed to the MPCA, were kept in someone's head. They're written down some place. Are they not?

WHEELER:

I know that we have FOIA request on this. And we're searching our records to find whatever notes that would be responsive to that. We will certainly provide them to you, as well. And I believe we said that in a written response to your letter.

MCCOLLUM:

I got the written response late last night. I sent the letter in February. But you did get back to me.

WHEELER:

We did try, yes.

MCCOLLUM:

A little late, but you got back.

WHEELER:

We will try to be timelier in the future.

MCCOLLUM:

If today wouldn't have happened, I wonder if I would have heard. But, the Minnesota Pollution Control Agency, from what they have made, public and

transparent shows that quite frankly, that there should be corresponding transparency from the EPA and what they were working on then.

Mr. Joyce, I understand you want me to yield to Mr. Simpson for a question.

Mr. Simpson?

SIMPSON:

First question, a serious question. Well, they're all serious. In the past several final appropriations bill there has been a language that directed the EPA to consult with Forest Service and DOE, to provide clarity on rule that defines biomass as carbon neutral. This is important as trees are key in carbon sequestration. Almost a year ago, the EPA issues a policy statement that seemed to align with the language. Can you update this subcommittee on further steps the EPA has taken to follow the language included in the appropriations bills?

WHEELER:

We are working on that. We hope to have a proposal out this summer. It's a little more difficult than what we originally anticipated. Its taking some time. But we are moving forward with that. And we intend to have something out this summer.

SIMPSON:

Thank you.

Is the EPA, I will just ask you directly, is the EPA following the congressional intent on IRIS?

WHEELER:

I believe so, yes.

SIMPSON:

You believe we are. I certainly hope that doesn't become the position of this committee, or any committee in Congress, that we have to determine movement of employees within an agency. That would be overwhelming. We have a hard time directing our own movements. But, finally, well not finally, you don't have to worry oil refiners, because as soon as we pass the Green New Deal, they're going to be out of business, so. The fact that we got all those oil refiners out there, and we're trying to do something for them.

Let me ask you, just in general, do you any of you over at the EPA really care about the environment?

WHEELER:

Yes, I would say we all care about the environment. I take the mission of the agency very seriously. Protect the environment and public health.

SIMPSON:

Thank you. I appreciate that. If you just walk into the middle of the hearing, you'd never know it. Thank you for being here.

WHEELER:

Thank you, congressman.

MCCOLLUM:

Mr. Simpson, I do believe that the EPA cares about the environment, it's just the way that we prioritize some of the work that we do. And I don't think your comments were directed me, were they not?



SIMPSON:

(INAUDIBLE)

MCCOLLUM:

I just wanted to clear that for the record. Ms. Pingree?

PINGREE:

Thank you, very much madam chair.

And in case Mr. Simpson thought I was being too hard on you about the oil refiners, I did mean to say, I got distracted by the birthday conversation.

(LAUGHTER)

But I did want to say that I am looking forward. Next week, there's going to be a little gathering with you and Secretary Perdue to talk about food waste. And I am one of the co-chairs of the food waste caucus, with my Republican colleague Mr. Newhouse. And I am looking forward to potentially participating, because food waste is a serious concern in our country. We waste about 40 percent of the food, which is really unthinkable when you think of the resources that go into that. And the people who need to access that food, as well as methane that is potentially produced in a landfill. So, thank you for working with USDA on that. And I look forward to supporting you in the work that you're doing. So, thank you for that.

WHEELER:

Thank you.

PINGREE:

Back to my disagreements.

(LAUGHTER)

There are always those things, yes. And I do appreciate, I appreciate all of the work at the EPA and team that you work with.

I did want to talk about a little bit about the cross-state air pollution. I am sure that you know that cross state air pollution is a significant problem in Maine. The vast majority of our air pollution, particularly ozone. My constituents are exposed to comes from upwind sources along the eastern seaboard. In short, Maine is on the receiving end of everyone else's air pollution. We call it the end of the tailpipe. The cross-state air pollution rule was intended to address this. However, EPA recently rejected two petitions from Maryland and Delaware to require polluting neighboring states to reduce their emissions that were preventing Maryland and Delaware from meeting EPA standards. So, why is the EPA undermining the intent of the cross-state air pollution rule by rejected state petitions? And if the EPA is not going to enforce cross state air pollution rule, what are you doing to protect states like Maine who are on the receiving end of other states pollution?

WHEELER:

Well, we did reject those. At this point there is a legal challenge for that and it's pending in the D.C. circuit. So, I do have to be careful what I say there. But we do believe that under our analysis that almost all non-attainment areas in this country, will reach attainment by the early 2020's. So, we believe that all the states are on a trajectory, particularly on the downwind states. In looking at the analysis for the petitions for those states, for the cross-state air pollution rule, we

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believe that the requirements that are currently in place are going to address the air quality in those states.

PINGREE:

I am not sure I agree. But, let me move onto one more question. Last week, the president of BP America called for a direct federal regulation of methane from new and existing sources. And I would love to enter an op-ed into the record, if that's ok.

So, your administration has already taken actions to weaken the new source performance standards for methane. And have indicated that a full-scale rewrite of the standards is forthcoming. You have also ruled back a request that the oil and gas industry merely report their methane emissions. Given the growing consensus from the health community, environmental community, and now industry, that regulation of methane is crucial. How does your administration plan to address this potent pollutant if you won't even collect the information on current emissions?

WHEELER:

Well, we are working on some targeted improvements to the quad OA that streamlined the implementation but will reduce duplicative EPA and state requirements. We're trying to work cooperatively with the industry with that. I will point out that methane, natural gas, has doubled over the last 20 years. And methane emissions have decreased 16 percent over that same period. So, we're trying to work cooperatively where we don't stifle innovation. There's a lot of innovative work going on with the companies. Because you have to remember, the methane itself, is the product that they're selling. They don't want the methane emissions released, either. So, we're working with them to try to figure out the

best ways of doing this in a cooperative manner, so it doesn't stifle innovation. It still gets methane emission reductions.

PINGREE:

So, I guess, again I still have concerns. And it does seem to me, rolling back the request have the oil and gas industry to report their emissions is not a productive way to go about limiting the amount of them in the future.

WHEELER:

Well, I mean we are working with them. We are analyzing the data that we have received from them. We're working with the states where the methane pipes are located. But I believe we are getting the information and the emission reporting that we need from the industry at this point.

PINGREE:

I yield back. Thank you, madam chair.

JOYCE:

Thank you very much, madam chair. And I wanted to ask you some more questions Administrator Wheeler about something new and different that the agency and administration on a reverse course on these drastic GLRI cuts. I am sure you're well aware since 2015, as a result of the GLRI funded projects, EPA and its partners have worked collaboratively to prevent over 100 million pounds of phosphorus from leaving farms and entering the Great Lakes. Excessive amounts of phosphorus threaten the Great Lakes ecosystem and priority watersheds by contributing to harmful algal blooms contaminate surface and drinking water supplies. Cause human and animal health effects, it can lead to

beach closures that result in lost recreational opportunities. Given the EPA and its partners use GLR funds to prevent over 300,000 pounds of phosphorus from entering the Great Lakes each year. Can you speak to the importance of robust funding in Fiscal Year 2020 in order to limit phosphorus levels and bolster our ability to prevent algal blooms?

WHEELER:

Yes, congressman. And in addition to the full funding of the GLRI, which the president called for last week. We do a lot of other work to try to reduce the phosphorus loading into the Great Lakes and other estuaries as well. As well as they hatch, the harmful algal blooms. I think I mentioned earlier today, we just released a new memo about a month and a half ago, looking at free market initiatives with the agriculture sector, to try to work more cooperatively with agriculture to reduce the nutrient discharges into the water bodies, that end up in the Great Lakes, or the Chesapeake Bay, or the Puget Sound, or the other estuaries around the country. We're also working on the harmful algal blooms through a number of different research efforts with their own EPA researchers. We have some of the most talented research scientists in the country and several of them are working on this issue. I visited the labs in RTP, in North Carolina, as well as our Region 7 lab in Kansas City, and our Cincinnati lab. Where they're all working on this issue and coming up with innovative ways to try to detect where they may be problems before problems occur. Analyzing water samples to help communities deal with the levels, as far as making sure that the beaches are safe, or the lakes are safe to swim in. You know, right now, sometimes the testing can take 24 to 48 hours. We're trying to shorten that done so that we can get real time results, real time testing results out, to make sure that the water bodies are safe. And that people aren't in jeopardy when we have the algal blooms or other problems within the lakes and the streams where people recreate.

So, we're taking this very seriously. And it's a lot of effort, time, and resources in addition to the \$300 million for the Great Lakes Initiative.

JOYCE:

Certainly, we're not lowering this. I've been down to the everglades, I was glad to see the president was down there as well, last week. The problem exists there. And obviously, it exacerbated the problem with the red tides that you see there. As well as the green algal blooms. And I understand in the Naples area, they're suffering from that green algal blooms as well.

How important is controlling the phosphorus levels for supporting the Great Lakes fishing industry?

WHEELER:

I think it's very important. There's a lot of issues though with the fishing industry and evasive species of course, is very important. We're trying to work with Canadians there as well. This is, you know, the Great Lakes are international, and this is an international issue. But, it's not just the phosphorus. It's also evasive species and it's just normal pollution that we find in the Lakes. So, we're working on this a number of different levels, a number of different ways. To try to ensure that the quality of the water in the Great Lakes improves.

JOYCE:

And I have a number of other questions regarding the Great Lakes Restoration Initiative, but I will submit them for the record. But, since you brought it up before, the healthy schools grant program that you said that you have an interest in talking about, but I think you might have been cut short. That includes \$50 million to establish a grant program to protect children and teachers from

environmental hazards where they live, play, and work each day. Like any other parent, I want to ensure that our nation's children are going to school in a clean, safe, and health environment. As I understand it, this grant program, the EPA will work with states, tribes, and local communities to address potential gaps in school environment. Can you identify the toxics, the pollutants, the other gaps in school environmental health that the EPA is currently not addressing?

WHEELER:

I wouldn't say that we're not addressing. It's for example, if a school is going to address one of the issues, such as the matter of the toxics or the lead in the drinking water. If they're going to be doing any kind of remodeling of the schools, we wanted to take a look at all the environmental issues and problems at the same time. So, it's trying to come up with a comprehensive way for schools to take a look at the environmental issues that they might face. Point to them to additional funding, the \$50 million isn't supposed to be all the funding to clean up all the issues at a school, but to help them do an assessment to determine what are the environmental problems that they face. And then help them identify resources to correct those problems.

JOYCE:

How would the EPA make sure that it doesn't duplicate efforts of other programs like lead testing in schools grant program or the radon categorical grants?

WHEELER:

It would try to be the bridge program to bring all those separate problems under one umbrella so that we can provide a one stop shop for environmental quality for schools around the country.

JOYCE:

And if healthy schools grant program is funded in Fiscal Year 2020, how do you plan distribute the funding to the states and tribes?

WHEELER:

Well, we would work with our authorizers and of course our appropriators as well, to come up with the authorization for the program. We would have to have the authorization in addition to the appropriations for it.

JOYCE:

Thank you, very much. Like I said, I will submit some questions for the record as well. I yield back the time I do have.

MCCOLLUM:

Thank you.

The healthy school's initiative, the appropriations are tried our level best not to be putting funding into programs that are not yet authorized. So, I hope you have the authorizers moving on this.

I have one question, and a question for the record. It's 12:00 and I appreciate your time with us.

WHEELER:

Time has flown.

MCCOLLUM:

I think we've had a pretty good time.



The Montreal protocol is what I would like to talk about. And that was you know, the treaty that phased out the use of refrigerants, repellants, other chemicals, and (INAUDIBLE) ozone. The ozone layer, we know it's critical because it shields the Earth from the sun's ultraviolet rays. The problems have been the first generation of replacements for ozone depleting chemicals known as HFCs are themselves very potent greenhouse gases. So, U.S. manufacturers have since developed newer alternatives that are safer for the ozone layer and they do not contribute to global warming. Kigali level amendment, I just said that wrong, would update the Montreal Protocol to phase out the HFCs in favor of the safer alternatives.

In January, you told the Senate Environment and Public Works Committee that you had not yet been briefed by career staff on the interagency meetings about this amendment to the Montreal Protocol. And you were reserving judgments until you were briefed. The amendment has extremely broad support among the environmental community, public health experts, major manufacturers, chemical industry, the national association manufactures, American chemistry counsel, the chamber of commerce. This amendment will create 30,000 U.S. jobs over the next eight years. It will increase exports by 6 billion, so it's a win-win for the environment and for industry.

You've been working on environmental issues, as you pointed out, for nearly 30 years. And I can't think of too many times in my lifetime or yours that we've had so many groups come together from the chamber of commerce to environmental communities. So, I am just kind of trying to figure what you can tell us where you are on this. Because this is an issue that I have actually participated in a hearing when I was in government oversight. The commerce department and the international trade commissions for a long time, have pointed out that some Chinese HFC producers have been unfairly dumping their products on the U.S.

market. Hurting our businesses, at the same hurting the environment. They've been using loop holes to evade tariffs. And it hurts our manufacturers here at home and as they said, it's bad for the environment. So, you've had about 10 weeks to take the temperature on this, to get up to speed. Have you taken a position on whether or not you're be supporting the Kigali Amendment to the Senate for advice and consent on the Montreal protocol?

WHEELER:

First of all, it's not the EPA's role or as Administrator of the EPA to make the decision on whether or not submit the treaty to the Senate.

MCCOLLUM:

You may weigh in on the Senate's consideration, do you not? You'll be advising and consented on this?

WHEELER:

No, that would be the State Department and the White House making the decision whether or not to submit the treaty to the Senate for ratification. I may be at some point, asked by the White House to weigh in on this, but I have not yet been asked. I have had some conversations with my staff about this. I think the issue here, and probably the, and it's a legal is that HFC's are not ozone depleting chemicals. And the Montreal Protocol is just supposed to address ozone depleting chemicals. The Obama administration put forward some implementing regulation to try and implement the HFC ban under the Montreal Protocol. And it was struck down by the D.C circuit. So, if we were to move forward, and I believe it's Kigali, but I have mispronounced it many times.

(LAUGHTER)

CQ

If that were to be, if the treaty were to be submitted to the Senate for ratification, it would require implementing legislation in order to allow EPA to issue the regulation to implement it. We currently lack the authority to regulate greenhouse gases under the Montreal protocol--

MCCOLLUM:

--but you're part of the working group that's working on this issue. The EPA is. So, you do have a seat at the table.

WHEELER:

Our career staff has been working on it, it's not been elevated to a principles meeting yet.

MCCOLLUM:

You have a seat at the table as working groups putting forward their ideas. And so, as of now, you have no position one way or the other?

WHEELER:

Most of what, the work that we've done has gone into some cost analysis as well as the analysis under what we could do under the Clean Air Act. Again, because of the Obama regulation that was struck down by the D.C. circuit court. We've been providing assistance to the State Department, the White House, as far as what it means to the Clean Air Act, as well as some cost analysis on what mean if it were to be implemented.

MCCOLLUM:

And so we look forward to seeing what the analysis was being published moving forward. For the record, Mr. Stewart kind of brought this up indirectly about needing more staff. You need more staff do your RSF work. The administration, as many of my colleagues have said, appears to be making it a high priority to dismantle the EPA since it took office. It's methods for doing this, many of us see as a shrinking the size of the workforce any way it can. So, I am going to give you, I am going to make a statement and then tell you what we hope to hear back from you at the end of this, because I think you're going to have to be writing a more detailed answer back to us.

In 2016, the EPA pursued an aggressive buy out strategy. And since that time passed, the EPA staffing levels have continued to decline, in spite of steady funding levels. Our questions are, is the decline, is it because of the staff has just left to retire, has EPA really failed to fill those positions with new hires. And so that goes to your point that you mentioned earlier having someone work with your personnel agency staffing. Our concern is when the EPA doesn't have enough personnel on board, the work that the American expect the government to do goes undone. That's for small businesses that are needlessly delayed as Mr. Stewart was talking about perhaps. Request for technical assistance goes unanswered. Environmental crimes go unpunished, superfund clean ups don't move forward. And for us, here in Congress, answering to the people that we directly represent. These aren't acceptable issues. These are brought up in our office all the time, for business to people who want to see the environment improve. So, we want to do all that we can, and I think our budgets have shown that, to protect the agency's cuts in order for it go forward and do its business.

You were a congressional staffer, so you understand and respect the role that Congress plays when giving agencies directions, while exercising its power of the purse. So, one of the questions we're going to be submitting, it'll be flushed out a

CQ

little more. But basically, we want to know why the agency's not been hiring new staff to replace the people who leave. So, we have a lot of additional questions. I expect that you will get back to us on the record on that, but you know, the EPA just can't shrink anymore, that's going to be fulfilled its mission of public health, as well as, as you pointed out, some of the roles that it has in working with industry for predictability. So, we look forward to hearing about what has been happening with staffing levels. Because I think you heard that from both sides of the aisle up here. And I said, our budgets have been inclusive of giving you the dollars needed to keep minimum staffing levels moving forward so that we don't create more backlogs.

With that, Mr. Joyce and I and the members of the committee really appreciate you being here. We look forward to hearing back about the things on the record.

Mr. Simpson?

SIMPSON:

Madam chairwoman, if could, just say I hope nobody took offense to what I said. I certainly wasn't referring to the chairwoman. What I was, the point I was trying to get at, is that no matter what the EPA does, it's the most beat up agency, probably in the federal government. Because you're involved in almost everything. And when we have Democratic administration, Republicans think that the EPA is trying to control the world, and we criticize the heck out of that. When a Republican administration comes into place, Democrats oftentimes think you don't care about the environment. That's where that question come from, or whatever. So, I wasn't trying to say anything about anybody particular. The chairwoman and I are very good friends--

MCCOLLUM:

CQ

--we are--

SIMPSON:

--and worked on some very good things. So, Congresswoman Pingree, we kind of jab each other about potatoes another things all the time. But, I would, I do find it interesting when the president finds out more about his budget, how it changes as we go along. Now we have funding for Great Lakes Initiative. And we have funding requested for Special Olympics and other things. As he learns more about what he's requested, it will be interesting to see how this finally comes down. Maybe OEMB will go over and talk to him.

MCCOLLUM:

To quote a fellow appropriations member, Mr. Cole, the president proposes, and the Congress will be doing the disposing.

Once again, Mr. Wheeler, thank you very much. And we do look forward to timely answers. We are all working under tremendous budget crunch after recovering from, trying to recover should I say from the government shutdown. And we have every indication from our leadership that we plan to have our appropriation bills done on time, on the floor, done by June. So, anything that you could give us would be greatly appreciated.

WHEELER:

Could I ask for one minute?

MCCOLLUM:

Yes.

WHEELER:

I know, usually witness doesn't want to talk more. But I just want to respond on the workforce issue. I do take that very seriously. I think we are at a critical juncture at the agency and very large challenges with the number of retirees that we have pending. With 40 percent of our workforce eligible to retire over the next five years. When I was a congressional staffer, I worked for Senator Voinovich for a couple of years and I worked with him on staffing levels at the nuclear regulatory commission. This was in the early 2000's. And at that point the NRC had 40-50 percent of their employees eligible to retire. And they're probably the most technical, the staffing at the NRC is probably the most technical experts in the federal government. We might have the second most. I think it is very critical. That's why I hired a new human resources director and whenever I meet with a career manager across the agency, I talk to them about the staffing issues and the recruitment. There's a number of issues that we have to address as the federal government. And one of them, I don't think the federal government is really addressing yet, is as we hire new people, particularly Millennials as they come out of college, most of them stay with one job their entire career. We have a history at the agency of having people work there 30, 40 years. We actually have 10 people who will hit their 50-year milestone next year at our 50th anniversary for the agency, who have been with agency 49 years. I have told all of them, you have to stay one more year to get recognized. But we have an incredible workforce at the agency. I am very proud of them. I have told them I want to leave the agency stronger than I found it, particularly when it comes to the workforce. So, I appreciate you wanting to work with me on that. And I am very happy to work with you on those issues.

MCCOLLUM:

Thank you for that. And the fact that we had a government shutdown did not make people very stable or secure in working for the federal government. And many of them could make more outside in the private industry. But they choose to serve their country in this way by protecting our air and our water.

With that, the meeting is adjourned.

WHEELER:

Thank you.

List of Panel Members and Witnesses

PANEL MEMBERS:

REP. BETTY MCCOLLUM (D-MINN.), CHAIRWOMAN

REP. CHELLIE PINGREE (D-MAINE)

REP. DEREK KILMER (D-WASH.)

REP. JOSE E. SERRANO (D-N.Y.)

REP. MIKE QUIGLEY (D-ILL.)

REP. BONNIE WATSON COLEMAN (D-N.J.)

REP. BRENDA LAWRENCE (D-MICH.)

REP. NITA M. LOWEY (D-N.Y.), EX-OFFICIO

REP. DAVID JOYCE (R-OHIO), RANKING MEMBER

REP. MIKE SIMPSON (R-IDAHO)

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REP. MARK AMODEI (R-NEV.)

REP. KAY GRANGER (R-TEXAS), EX-OFFICIO

WITNESSES:

ENVIRONMENTAL PROTECTION AGENCY CHIEF FINANCIAL OFFICER

HOLLY GREAVES

ENVIRONMENTAL PROTECTION AGENCY ADMINISTRATOR ANDREW

WHEELER

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